

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. §1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

In claim 1 at lines 12-13, the term "2,2-dialkylthiazolidine-4-carboxylic acid" was amended to read -- an acyl moiety derived from a 2,2-dialkylthiazolidine-4-carboxylic acid wherein alkyl is methyl or ethyl --.

In claim 1 at lines 16-17, the term "L-carnitine or acetyl-L-carnitine" was amended to read -- L-carnitinyl or acetyl-L-carnitinyl --.

In claim 1 at line 35, the term "the N-heterocycle group" was amended to read -- the aliphatic or non-aromatic N-heterocycle group bonded to variable Z by a carbon-carbon bond --.

In claim 1 at line 36, the term "and Q<sup>2</sup> is optional" was deleted.

Claims **12, 15, 18, 21, 24 and 30** were cancelled without prejudice to the filing of a divisional or continuing application.

Authorization for this Examiner's Amendment was given in a telephone interview with Jane Massey Licata on December 4, 2008.

The following is an Examiner's Statement of Reasons for Allowance:

Examiner notes applicant's most recent amendment and appreciates the problems effectively addressed therein. The above amendments and claim cancellations have effectively addressed the additional problem of incompletely defined chemical structure "(II)," by narrowing the scope of independent claim 1 and cancellation of dependent claims wherein reference has been made to the incompletely defined or inoperative functional groups. Additional minor corrections have been made to address errors in nomenclature. In view of applicant's amendments, applicant's authorization of the amendments made herein, and the provisions of MPEP §804 permitting issuance of one application when there is only a

provisional double patenting rejection of record, no issues concerning patentability remain. Therefore, the instant claims have been found to be allowable as presently amended.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Papers related to this application may be submitted to Group 1600 via facsimile transmission (FAX). The transmission of such papers must conform with the notice published in the Official Gazette (1096 OG 30, November 15, 1989). The telephone number to FAX (unofficially) directly to Examiner's computer is 571-273-0651. The telephone number for sending an Official FAX to the PTO is 571-273-8300.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner L. E. Crane whose telephone number is **571-272-0651**. The examiner can normally be reached between 9:30 AM and 5:00 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. S. Anna Jiang, can be reached at **571-272-0627**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1600 receptionist whose telephone number is **571-272-1600**.

All Post-Allowance Correspondence concerning this application must be mailed to:

BOX ISSUE FEE  
COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

OR you can FAX them to the Office of Patent Publications at 571-273-8300, in order to expedite the handling of such correspondence as amendments under 37 C.F.R. §1.312; Information Disclosure Statements (IDS's), and formal drawings. Sending Post-Allowance

papers to Technology Center 1600 will only cause delays in matching papers with the case.

For information concerning status of correspondence sent after receipt of the Notice of Allowance, please contact the Correspondence Branch at **571-272-4200**. The Notice of Allowance also has an insert containing contact information for other items, including Issue Fees, receipt of formal drawings, and the status of the application.

LECrane:lec  
**01/20/2009**

/Lawrence E. Crane/

Primary Examiner, Art Unit 1623

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L. E. Crane  
Primary Patent Examiner  
Technology Center 1600